

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

CASE NO. 1:19-CV-593-LCB-JLW

ZION WILLIAMSON,

Plaintiff,

v.

PRIME SPORTS MARKETING, LLC, and
GINA FORD,

Defendants.

**DECLARATION OF JEFFREY S. KLEIN, ESQ. IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

I, Jeffrey S. Klein, Esq., make this declaration pursuant to 28 U.S.C. § 1746 and state:

1. I am an attorney admitted to practice in this Court pursuant to Local Rule 83.1(d) and I am of counsel at the law firm of Clarick Gueron Reisbaum LLC, which represents Plaintiff Zion Williamson ("Plaintiff") in the above-captioned litigation.

2. I submit this declaration and the accompanying exhibits¹ in support of Plaintiff's Motion for Summary Judgment.

3. Annexed hereto as Exhibit 1 is a true and correct copy of an email from Sharonda Anderson to Gina Ford, dated May 24, 2019, which was produced by

¹ Pursuant to Local Rule 5.4(a)(3), Plaintiff has redacted immaterial portions of certain documents (for example, personal cell phone numbers and email addresses, or other confidential but irrelevant portions of the document), but is otherwise filing such documents on the public docket.

Defendants Prime Sports Marketing, LLC and Gina Ford (“Defendants”) with the Bates number PSM0216² and marked as Gina Ford Ex. 7 at the deposition of Gina Ford.

4. Annexed hereto as Exhibit 2 is a true and correct copy of an email from Sharonda Anderson’s email address to Gina Ford, dated May 31, 2019, which was produced by Defendants with the Bates number PSM0244 and marked as Williamson Ex. T at the deposition of Zion Williamson.

5. Annexed hereto as Exhibit 3 is a true and correct copy of the version of Defendants’ Marketing Plan provided to non-party Leander Anderson, which was produced by Mr. Anderson with the Bates number LEANDER_ANDERSON_00000346-55.

6. Annexed hereto as Exhibit 4 is a true and correct copy of a letter sent from Defendants’ counsel JoAnn Squillace to Plaintiff’s counsel Fitz Barringer, dated June 17, 2021. I was copied on the email transmitting this letter to Mr. Barringer.

7. Annexed hereto as Exhibit 5 is a true and correct copy of Plaintiff’s response to Defendants’ Interrogatory No. 12.

8. Annexed hereto as Exhibit 6 is a true and correct copy of Plaintiff’s marketing agreements with Fanatics Mounted Memories, LLC (“Fanatics”), Panini America, Inc. (“Panini”), Take-Two Contracting, LLC (“2K”), Mercedes-Benz USA,

² Defendants produced many of their email production as “live emails,” rather than Bates-stamped images with corresponding metadata. As such, most of Defendants’ document production did not contain a traditional Bates stamp, which was only listed in the file name of the live email or document. For ease of reference, Plaintiff has printed the Bates numbers on the exhibits with a “Weil” prefix to denote where the Bates number was applied by Plaintiff. No other aspect of these documents was in any way modified.

LLC (“Mercedes”), Apple Inc., f/b/o Beats by Dr. Dre (“Beats”), and The Gatorade Company and Pepsi-Cola Advertising and Marketing, Inc. (“PepsiCo,” and collectively with The Gatorade Company, “Gatorade”), which were produced by Plaintiff with the Bates numbers WILLIAMSON00000169-253 and marked as Williamson Ex. Y at the deposition of Zion Williamson.

9. Annexed hereto as Exhibit 7 is a true and correct copy of Defendants’ Response to Plaintiff’s Interrogatory No. 5, which was marked as Gina Ford Ex. 1 at the deposition of Gina Ford.

10. Annexed hereto as Exhibit 8 is a true and correct copy of an email from Gina Ford to Megan Luchey, dated May 20, 2019, which was produced by Defendants with the Bates number PSM0194 and marked as Gina Ford Ex. 13 at the deposition of Gina Ford.

11. Annexed hereto as Exhibit 9 is a true and correct copy of an email from Gina Ford to Brian Levine, dated May 13, 2019, which was produced by Defendants with the Bates number PSM0171 and marked as Gina Ford Ex. 10 at the deposition of Gina Ford.

12. Annexed hereto as Exhibit 10 is a true and correct copy of a document produced by Defendants with the Bates numbers PSM0011-23 and marked as Gina Ford Ex. 17 at the deposition of Gina Ford, which purports to be an email from Gina Ford to Sharonda Anderson, dated May 22, 2019.

13. Annexed hereto as Exhibit 11 is a true and correct copy of Gina Ford and Prime Sports Marketing, LLC's Memorandum of Law in Opposition to Defendants' Motion to Dismiss Plaintiffs' Complaint, filed in *Prime Sports Marketing and Gina Ford v. Zion Williamson et al.*, No. 2019-018705-CA-01 (Nov. 19, 2019 Miami-Dade Cty., FL) (Dkt. No. 24).

14. Annexed hereto as Exhibit 12 is a true and correct copy of Plaintiff's representation agreement with CAA Sports, LLC ("CAA"), titled *Zion Williamson/CAA Sports Marketing Agreement*, dated May 31, 2019, which was produced by Plaintiff with the Bates number WILLIAMSON00000254-258 and marked as Leander Anderson Ex. I at the deposition of Leander Anderson.³

15. Annexed hereto as Exhibit 13 is a true and correct copy of an email from Scott Widelitz of Fanatics to Gina Ford, dated April 30, 2019, which was produced by Defendants with the Bates number PSM0137 and marked as Gina Ford Ex. 25 at the deposition of Gina Ford.

16. Annexed hereto as Exhibit 14 is a true and correct copy of an email from Scott Widelitz of Fanatics to Lloyd Frischer of CAA, dated May 30, 2019, which was produced by non-party CAA with the Bates number CAA_SPORTS_00000857.

17. Annexed hereto as Exhibit 15 is a true and correct copy of a text message from Brian Bayne of Panini to Leander Anderson, dated May 23, 2019, which was

³ WILLIAMSON00000254 was produced with one paragraph redacted. Pursuant to Local Rule 5.4(a)(3), this provision is immaterial to the disposition of Plaintiff's motion.

produced by non-party Leander Anderson with the Bates number
LEANDER_ANDERSON_00000035.

18. Annexed hereto as Exhibit 16 is a true and correct copy of a text message from Leander Anderson to Brian Bayne of Panini, dated June 3, 2019, which was produced by non-party Leander Anderson with the Bates number
LEANDER_ANDERSON_00000105.

19. Annexed hereto as Exhibit 17 is a true and correct copy of an email from Billy Inglis of 2K to Gina Ford, dated May 14, 2019, which was produced by Defendants with the Bates number PSM0178.

20. Annexed hereto as Exhibit 18 is a true and correct copy of an email from Billy Inglis of 2K to Lloyd Frischer of CAA, dated May 31, 2019, which was produced by non-party CAA with the Bates number CAA_SPORTS_00000855.

21. Annexed hereto as Exhibit 19 is a true and correct copy of an email from Lloyd Frischer of CAA to Austin Brown and Lisa Joseph-Metelus of CAA, dated June 3, 2019, which was produced by non-party CAA with the Bates number
CAA_SPORTS_00000674-676.

22. Annexed hereto as Exhibit 20 is a true and correct copy of an email from Jeff Chieng of Gatorade to Sharonda Anderson, dated April 24, 2019, which was produced by non-party Sharonda Anderson with the Bates number
SHARONDA_ANDERSON_00000001.

23. Annexed hereto as Exhibit 21 is a true and correct copy of a text message from Jose Fonseca of Duke University to Sharonda Anderson, dated April 18, 2019, which was produced by non-party Sharonda Anderson with the Bates number SHARONDA_ANDERSON_00000586.

24. Annexed hereto as Exhibit 22 is a true and correct copy of an email from Jeff Chieng of Gatorade to Sharonda Anderson, dated April 30, 2019, which was produced by non-party Sharonda Anderson with the Bates number SHARONDA_ANDERSON_00000009-10.

25. Annexed hereto as Exhibit 23 is a true and correct copy of a document produced by non-party Youdy Sanon, which purports to be an email from Youdy Sanon to Nicholas Emma of Mercedes, dated March 6, 2020.⁴

26. Annexed hereto as Exhibit 24 is a true and correct copy of Defendants' Beats Partnership Summary, which was produced by Defendants with the Bates number PSM0057-59 and marked as Gina Ford Ex. 22 at the deposition of Gina Ford.

27. Annexed hereto as Exhibit 25 is a true and correct copy of text messages from Troy Payne of Adidas to Leander Anderson, dated May 16, 2019, which were produced by non-party Leander Anderson with the Bates number LEANDER_ANDERSON_00000076-78.

28. Annexed hereto as Exhibit 26 is a true and correct copy of an email from Kevin O'Connor of Beats to Sharonda Anderson, dated May 31, 2019, which was

⁴ Mr. Sanon did not include Bates numbers on the documents contained in his production.

produced by non-party Sharonda Anderson with the Bates number SHARONDA_ANDERSON_00000165-66.

29. Annexed hereto as Exhibit 27 is a true and correct copy of Defendants' Marketing Plan, which was produced by Defendants with the Bates number PSM0001-10 and marked as Gina Ford Exhibit 8 at the deposition of Gina Ford.

30. Annexed hereto as Exhibit 28 is a true and correct copy of an email from Billy Inglis of 2K to Gina Ford, dated May 23, 2019, which was produced by Defendants with the Bates number PSM0106-109 and marked as Gina Ford Ex. 24 at the deposition of Gina Ford.

31. Annexed hereto as Exhibit 29 is a true and correct copy of an email from Brian Levine to Gina Ford, dated May 14, 2019, which was produced by Defendants with the Bates number PSM0177.

32. Annexed hereto as Exhibit 30 is a true and correct copy of an email from Gina Ford to Sharonda Anderson, dated May 22, 2019, which was produced by non-party Sharonda Anderson with the Bates number SHARONDA_ANDERSON_00000109-121.

33. Annexed hereto as Exhibit 31 is a true and correct copy of an email from Gina Ford to Sharonda Anderson, dated May 31, 2019, which was produced by non-party Sharonda Anderson with the Bates number SHARONDA_ANDERSON_00000146-164.

34. Annexed hereto as Exhibit 32 is a true and correct copy of an email from Sharonda Anderson to Austin Brown, dated May 22, 2019, which was produced by non-

party Sharonda Anderson with the Bates number

SHARONDA_ANDERSON_00000299-305.

35. Annexed hereto as Exhibit 33 is a true and correct copy of an email from Sharonda Anderson to Austin Brown, dated June 5, 2019, which was produced by non-party Sharonda Anderson with the Bates number

SHARONDA_ANDERSON_00000313-322.

36. Annexed hereto as Exhibit 34 is a true and correct copy of excerpts from the transcript of the deposition of Defendant Gina Ford, taken on October 28, 2021.

37. Annexed hereto as Exhibit 35 is a true and correct copy of excerpts from the transcript of the deposition of non-party Sharonda Anderson, taken on December 10, 2021.

38. Annexed hereto as Exhibit 36 is a true and correct copy of excerpts from the transcript of the deposition of non-party Leander Anderson, taken on December 9, 2021.

39. Annexed hereto as Exhibit 37 is a true and correct copy of excerpts from the transcript of the deposition of Plaintiff Zion Williamson, taken on November 11, 2021.

40. Annexed hereto as Exhibit 38 is a true and correct copy of excerpts from the transcript of the deposition of non-party Elizabeth (Lisa) Joseph-Metelus, taken on January 20, 2022.

41. Annexed hereto as Exhibit 39 is a true and correct copy of excerpts from the transcript of the deposition of non-party Austin Brown, taken on January 18, 2022.

February 11, 2022
New York, New York

/s/ Jeffrey S. Klein
Jeffrey S. Klein, Esq.